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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/955,059   | 09/19/2001  | Itaru Hatanaka       | 1046.1261           | 8631             |
| 21171 7590 08/27/2009<br>STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| PIZZALI, JEFFREY J   |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 2629   |             |                      |                     |                  |
| MAIL DATE  |             | DELIVERY MODE        |                     |                  |
| 08/27/2009   |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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|---------------------------------|-------------|---|---------------------|
| 09955059                        | 9/19/01     | HATANAKA ET AL.                                   | 1046.1261           |

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EXAMINER

JEFF PIZIALI

| ART UNIT | PAPER    |
|----------|----------|
| 2629     | 20090825 |

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**Commissioner for Patents**

The reply filed on 27 May 2009 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

It is unclear whether newly added claim 136 is intended by the Applicant to be considered elected or non-elected.

On the one hand, the 27 May 2009 'Response to Restriction Requirement' first states, "Applicant elects Species 1, Sub-Species A, corresponding to claims 29, 66-70, 74 and 76, and Fig. 20, without traverse." This statement suggests new claim 136 is intended to be withdrawn from consideration.

On the other hand, the same 27 May 2009 'Response to Restriction Requirement' later states, "Applicants respectfully submit that cancelled claim 119 (which depended on claim 91) also corresponds to the elected Species 1, Sub-Species A. Insofar as claims 29, 66-70, 74 and 76 corresponding to Fig. 20 are concerned, it is believed that previously cancelled claim 119 also corresponds to Fig. 20 and should remain in the same application. Thus, Applicants hereby submit content of previously cancelled claim 119 (incorporating features of corresponding independent claim 91) as claim 136." This statement suggests new claim 136 is intended to elected and examined.

The examiner respectfully requests that the Applicant clearly identify whether newly added claim 136 is intended by the Applicant to be considered elected or non-elected.

See 37 CFR 1.111. Since the above mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Jeff Piziali/  
Primary Examiner, Art Unit 2629  
25 August 2009